

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

In re:

TAMARA LEIGH HANSBROUGH,

Bankruptcy Case No.: 09-82314

Soc. Sec. No. xxx-xx-6898

Mailing Address: 2 Abernathy St., Chapel Hill, NC 27517-

Chapter 7

Debtor.

LISA FRITZ,

Plaintiff,

v.

A.P. No.: 10-9041

TAMARA LEIGH HANSBROUGH,

Defendant

**ANSWER TO COMPLAINT OBJECTING TO DISCHARGEABILITY OF
INDEBTEDNESS**

NOW COMES the Defendant, Tamara Leigh Hansbrough, by and through Counsel, answering the Complaint filed in this proceeding as follows:

1. Defendant admits the allegations contained in Paragraph 1 of the Complaint.
2. Defendant admits the allegations contained in Paragraph 2 of the Complaint.
3. Defendant admits the allegations contained in Paragraph 3 of the Complaint.
4. Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 4 of the Complaint and therefore denies those allegations.
5. Defendant denies the allegations contained in Paragraph 5 of the Complaint.
6. Defendant denies the allegations contained in Paragraph 6 of the Complaint.
7. Defendant denies the allegations contained in Paragraph 7 of the Complaint.
8. Defendant denies the allegations contained in Paragraph 8 of the Complaint.

9. Defendant denies the allegations contained in Paragraph 9 of the Complaint.
10. Defendant denies the allegations contained in Paragraph 10 of the Complaint.
11. Defendant admits the allegations contained in Paragraph 11 of the Complaint.
12. Defendant admits the allegations contained in Paragraph 12 of the Complaint.
13. Defendant denies the allegations contained in Paragraph 13 of the Complaint.
14. Defendant denies the allegations contained in Paragraph 14 of the Complaint.

AFFIRMATIVE DEFENSES:

1. Plaintiff's Complaint fails to state a claim upon which relief can be granted in that it fails to recite any facts demonstrating the elements of 11 U.S.C. §523 (a)(6), namely that the Defendant willfully and maliciously intended to injure the Plaintiff. *See In re Duncan*, 448 F.3d 725 (4th Cir. 2006).
2. To the limited extent that Plaintiff's complaint contains allegations of willful and malicious conduct by the Defendant against the Plaintiff, those allegations are conclusory in nature, lack factual basis, and fail to meet the heightened pleading standards set forth in *Bell Atl. Corp. v. Twombly*, 127 S. Ct. 1955 (2007), and *Ashcroft v. Iqbal*, 129 S. Ct. 1937 (2009).

PRAYER FOR RELIEF:

WHEREFORE, having fully answered the Complaint, the Defendant prays the Court as follows:

1. That the Complaint be dismissed with prejudice;
2. An Order determining that the debt that is the subject of Plaintiff's Complaint is deemed dischargeable;
3. That the Defendant's costs in defending this action be taxed against Plaintiff;

4. For such and further relief as the Court may deem just and proper.

Dated: 5/28/2010

The Law Offices of John T. Orcutt

/s Edward C. Boltz

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CERTIFICATE OF SERVICE

I, Koury L. Hicks, certify that service of the foregoing Answer to Complaint Objecting to Dischargeability of Indebtedness in this adversary proceeding, was made on 5/28/2010 by automatic electronic noticing or by U.S. mail upon the following parties:

Rayford K. Adams
Higgins Benjamin Eagles & Adams
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Chapter 7 Trustee
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/s Koury L. Hicks

Koury L. Hicks